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7 *DARLA FOLEY, ED GRAY, SHAWN ARRUTI and JAMES WRIGHT*

8
9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 JOHN QUINTERO,

12 Plaintiff,

13 vs.

14 CONNIE BISBEE, et al.,

15 Defendant/Respondent.
16

CASE NO. 3:16-cv-00673-MMD-VPC

**MOTION FOR EXTENSION OF TIME
TO FILE A RESPONSE TO PLAINTIFF'S
FIRST AMENDED COMPLAINT
(FIRST REQUEST)**

17 COME NOW Defendants, CONNIE BISBEE, DARLA FOLEY, ED GRAY, SHAWN
18 ARRUTI and JAMES WRIGHT (Parole Board and DPS Defendants), by and through their attorneys,
19 ADAM PAUL LAXALT, Attorney General, and KATHLEEN BRADY, Deputy Attorney General
20 hereby submits this Motion for Extension of Time to File a Response to Plaintiff's First Amended
21 Complaint. This is Parole Board and DPS Defendants' first motion for an extension of time to file a
22 response. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A) and LR IA 6-1, the
23 following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. ARGUMENT**

26 Parole Board and DPS Defendants respectfully request an extension of time to file a Response
27 to Plaintiff's First Amended Complaint (ECF No. 3), which is currently due April 23, 2018. Plaintiff
28 has subsequently filed a Second Amended Complaint for which Oppositions are due on or before

1 April 20, 2018. (ECF No. 28). As of the time of the due date for the filing of the Answer, this Court will
2 not have yet determined which Complaint is operative in this case. Accordingly, Parole Board and DPS
3 Defendants respectfully seek an extension for the filing of their Response while this determination is
4 being resolved.

5 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

9 Parole Board and DPS Defendants' request is timely and its limited nature will not hinder or
10 prejudice Plaintiff's case, but will allow for thorough briefing in response to the operative Complaint in
11 this case. The First Amended Complaint and the Second Amended Complaint vary in content and
12 argument and, consequently, any response by Parole Board and DPS Defendants to the First Amended
13 Complaint would not be duplicative of the response to the Second Amended Complaint. Parole Board
14 and DPS Defendants assert that the requisite good cause is present to warrant the requested extension of
15 time for the determination of which complaint is controlling in this case.

16 For these reasons, Parole Board and DPS Defendants respectfully request an extension of time
17 to file a Response to Plaintiff's First Amended Complaint, with a new deadline set 30 days after this
18 Court's determination of which Complaint is controlling.

19 DATED this 10th day of April, 2018.

20 ADAM PAUL LAXALT
21 Attorney General

22 By: /s/ Kathleen Brady
23 KATHLEEN BRADY
24 Deputy Attorney General
25 *Attorneys for Defendants CONNIE BISBEE,*
26 *DARLA FOLEY, ED GRAY, SHAWN ARRUTI and*
27 *JAMES WRIGHT*

28 **IT IS SO ORDERED**


U.S. MAGISTRATE JUDGE

DATED: April 23, 2018

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on April 10, 2018, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically.

IAN E. CARR,
Deputy Attorney General
100 N. Carson Street
Carson City, NV 89701

For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following:

John Quintero (#93782)
Warm Springs Correctional Center
P.O. Box 7007
Carson City, NV 89702

/s/ Barbara D. Cozens
Barbara D. Cozens